

Notice of Allowability**Application No.**

10/695,948

Applicant(s)

BUTLER, MARK HENRY

Examiner

RYAN J. JAKOVAC

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/12/2010.
2. ☒ The allowed claim(s) is/are 1-5,57-58,60-63 and 65-70.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20101029.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/HASSAN PHILLIPS/
Primary Examiner, Art Unit 2445

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Randy M. Braegger on October, 28 2010.
3. The application has been amended as follows:

Claim Amendments

1. **(Currently Amended)** A networkable resource server adapted in use to serve out resources to client devices of a network, the server having delivery context aware activity software to tailor the delivery and presentation of the resources according to a specific client device delivery context, wherein running the delivery context aware activity software on a processor of the server causes a report to be produced containing data related to and indicative of a level of delivery context aware requests, received by the server, for resources,

wherein the report includes information concerning characteristics of the server, network characteristics linking the server and the client devices, characteristics of the client devices, and characteristics of any intermediary devices in a network path between the client devices and the server,

wherein the report is sent out periodically to a master monitoring processor, to thereby notify the master monitoring processor of context delivery related information that has changed since the master monitoring processor was last updated, and

wherein the resources served to the client devices comprise at least one of data works, files, e-mails, or software for use by a client device independently of the server;

wherein the server further comprises a profile resolver which receives from at least one of the clients details of a profile difference, and details of a reference profile related to the at least one of the clients, and which references a cache memory to create a profile of the at least one client device using a profile-diff transmitted to the server by the at least one client device and the reference profile retrieved from the cache memory; and

wherein the server is configured to modify the cache memory in response to the delivery context aware software, and

wherein modifying the cache memory includes changing the size of the cache memory, and

wherein the report is a first report and the server is a component of a system for serving out resources to client devices of the network, the system further comprising:

a second server adapted to produce a second context aware activity report; and

a network-wide delivery context aware activity monitor for processing the first report and the second report;

wherein the network-wide delivery context aware activity monitor produces a common report based on the first report and the second report.

54. (Cancelled)

59. (Cancelled)

64. (Cancelled)

REASONS FOR ALLOWANCE

4. The following is an examiner's statement of reasons for allowance. Authorization for this examiner's amendment was given in a telephone interview with Randy M. Braegger on 10/28/2010. In interpreting the claims, in light of the specification, the applicant's amendments and remarks filed 10/12/2010, and the interview of 10/28/2010, the Examiner finds the claimed invention to be patentably distinct from the prior art of record. The prior art does not teach "A networkable resource server adapted in use to serve out resources to client devices of a network, the server having delivery context aware activity software to tailor the delivery and presentation of the resources according to a specific client device delivery context, wherein running the delivery context aware activity software on a processor of the server causes a report to be produced containing data related to and indicative of a level of delivery context aware requests, received by the server, for resources, wherein the report includes information concerning characteristics of the server, network characteristics linking the server and the client devices, characteristics of the client devices, and characteristics of any intermediary devices in a network path between the client devices and the server, wherein the report is sent out periodically to a master monitoring processor, to thereby notify the master monitoring processor of context

delivery related information that has changed since the master monitoring processor was last updated, and wherein the resources served to the client devices comprise at least one of data works, files, e-mails, or software for use by a client device independently of the server; wherein the server further comprises a profile resolver which receives from at least one of the clients details of a profile difference, and details of a reference profile related to the at least one of the clients, and which references a cache memory to create a profile of the at least one client device using a profile-diff transmitted to the server by the at least one client device and the reference profile retrieved from the cache memory; and wherein the server is configured to modify the cache memory in response to the delivery context aware software, and wherein modifying the cache memory includes changing the size of the cache memory, and wherein the report is a first report and the server is a component of a system for serving out resources to client devices of the network, the system further comprising: a second server adapted to produce a second context aware activity report; and a network-wide delivery context aware activity monitor for processing the first report and the second report; wherein the network-wide delivery context aware activity monitor produces a common report based on the first report and the second report” as recited in and as required by the Applicant’s independent claims. The limitations of the independent claims are allowable subject matter over the prior art, in light of the specification.

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”

6. Claims 1-5, 57-58, 60-63, 65-70 are allowed.

Conclusion

Any inquiry concerning this communication should be directed to Hassan Phillips at telephone number 571-272-3940.

/Ryan Jakovac/

/HASSAN PHILLIPS/

Primary Examiner, Art Unit 2445